

A STUDY OF VERMONT STATE'S ATTORNEYS'
PERSPECTIVES ON JUVENILE JURISDICTION

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EXECUTIVE SUMMARY

The age of majority in Vermont is 18. Unlike some other states, Vermont does not automatically prosecute 16 and 17 year olds as juveniles or as adults. Vermont gives State's Attorneys the discretionary authority to decide whether a 16 or 17 year old youth will be tried in juvenile court (Family Division) or adult court (Criminal Division). The decision to refer a 16 or 17 year old to Court Diversion also rests with the State's Attorneys.

To learn more about what goes into making those decisions, the Vermont Association of Court Diversion Programs, on behalf of the Vermont's Juvenile Jurisdiction Task Force and the Vermont Children and Family Council for Prevention Programs, commissioned this study of the perspectives of Vermont's State's Attorneys on jurisdictional issues affecting 16 and 17 year old youth who have been charged with violating the law.

This report represents a systematic effort to understand the State's Attorneys' decision-making and practices regarding: (1) referrals to Court Diversion and (2) adult vs. juvenile jurisdiction for 16 and 17 year olds who have been charged with violating the law.

FINDINGS

1. Only two of the State's Attorneys' offices have a formal policy or protocol that guides decisions regarding court jurisdiction for 16 and 17 year old youth. Less than half of the offices have informal policies regarding juvenile jurisdiction. Roughly half of the offices make decisions on a case by case basis.
2. State's Attorneys identified advantages and disadvantages to both the juvenile and adult systems.
3. Opinions about Youthful Offender Status vary widely among the State's Attorneys, from strongly positive to strongly negative.
4. For the most part, State's Attorneys are motivated by the dual goals of achieving the best long term outcome for the young person and ensuring public safety. Their approaches to achieving those goals are strategic and varied.
5. The State's Attorneys value Court Diversion as a mechanism for diverting 16 and 17 year old youth from the court process. Once a youth has been found to meet the county-specific eligibility criteria, State's Attorneys make referral decisions on a case by case basis.

6. There is strong resistance among State's Attorneys to the possibility of a statutory requirement to charge 16 and 17 year olds in juvenile court.
7. There is more openness among a number of the State's Attorneys to making juvenile jurisdiction policy changes in their counties once obstacles have been addressed.
8. The State's Attorneys proposed a variety of fixes for existing problems with the juvenile court system.

CONCLUSIONS

The information gained from the interviews with Vermont's State's Attorneys shows that their perspectives and practices vary widely. Two findings, in particular, have important implications for policy regarding juvenile jurisdiction in Vermont. (1) State's Attorneys perceive there to be a number of disincentives for charging 16 and 17 year old youth in juvenile court, and two are especially significant: the end of juvenile jurisdiction at age 18 and the difficulty of transferring cases from juvenile to adult court. (2) There is strong resistance among the State's Attorneys to a legislated mandate to charge 16 and 17 year olds in juvenile court. Removal of the obstacles that currently exist in the juvenile court process is likely to result in an increase in the number of cases that are filed in juvenile court.

I. INTRODUCTION

The age of majority in Vermont is 18. Unlike some other states, Vermont does not automatically prosecute 16 and 17 year olds as juveniles or as adults. Vermont gives State's Attorneys the discretionary authority to decide whether a 16 or 17 year old youth will be tried in juvenile court (Family Division) or adult court (Criminal Division). The decision to refer a 16 or 17 year old to Court Diversion also rests with the State's Attorneys.

To learn more about what goes into making those decisions, the Vermont Association of Court Diversion Programs, on behalf of the Vermont's Juvenile Jurisdiction Task Force¹ and the Vermont Children and Family Council for Prevention Programs, commissioned this study of the perspectives of Vermont's State's Attorneys on jurisdictional issues affecting 16 and 17 year old youth who have been charged with violating the law.

This report represents a systematic effort to understand the State's Attorneys' decision-making and practices regarding: (1) referrals to Court Diversion and (2) adult vs. juvenile jurisdiction for 16 and 17 year olds who have been charged with violating the law.

Thanks go to Vermont's State's Attorneys for their thoughtful participation in the interviews. In addition, Jon Kidde, Willa Farrell, Bob Sheil, and Joel Page responded generously to requests for clarification of the ins and outs of the criminal justice system as it relates to 16 and 17 year old youth.

II. STUDY DESIGN

Structured telephone-based interviews were conducted with all fourteen (14) State's Attorneys in October 2011. In two counties, Deputy State's Attorneys also participated in the interviews.

The study was designed to address the following research questions regarding jurisdiction and referrals for 16 and 17 year old youth:

1. Do the State's Attorneys offices have formal or informal policies regarding juvenile jurisdiction and referrals to Court Diversion for 16 and 17 year old youth?
2. Who makes jurisdiction and referral decisions in each county office regarding 16 and 17 year old youth?

¹ The Juvenile Jurisdiction Task Force is a subgroup of The Vermont Children and Family Council for Prevention Programs (CFCPP). CFCPP was established by statute in 1983.

3. What factors within the case influence the decision?
4. What cultural or systemic factors influence the decision?
5. How do State's Attorneys view the Youthful Offender option?
6. What are the obstacles identified by State's Attorneys to charging 16 and 17 year old youth in the Family Division?
7. What are the obstacles identified by State's Attorneys to referring 16 and 17 year old youth to Court Diversion?
8. Among State's Attorneys, is there a desire for, or resistance to, juvenile jurisdiction policy change in their counties? If policy change is not desired, why not?
9. If policy change is desired, what changes do State's Attorneys identify as necessary to accomplish the goals of their suggested policy change?
 - a. on the local level
 - b. to state law

III. FINDINGS: DECISIONS REGARDING JUVENILE VS. ADULT JURISDICTION

A recent reorganization of Vermont's court system led not only to a restructuring of the courts, but to a change in their names as well. Criminal cases involving adults and some youth age 16 – 17 years old are tried in the Criminal Division of the Superior Court. Cases involving juvenile offenders are heard in the Family Division of the Superior Court. To reduce confusion, the terms "*adult court*" and "*juvenile court*" are used throughout this report.

Finding 1 Only two of the State's Attorneys' offices have a formal policy or protocol that guides decisions regarding court jurisdiction for 16 and 17 year old youth. Less than half of the offices have informal policies regarding juvenile jurisdiction. Roughly half of the offices make decisions on a case by case basis.

Discussion

State's Attorneys in two counties have adopted a formal policy or protocol that gives explicit direction to law enforcement about citing 16 and 17 year olds into either juvenile or adult court. Exceptions are made at the discretion of the State's Attorney.

Caledonia county's protocol directs law enforcement to cite all 16 and 17 year olds into juvenile court, with the exception of sex crimes, serious domestic assaults, the five major motor vehicle offenses (Careless and Negligent Operation, Attempting to Elude, Leaving the Scene of an Accident, Driving While Intoxicated, and Operating without Owner's Consent), and the crimes listed in 33 V.S.A. §5204(a). It also directs officers to issue to the juvenile a Notice to Report for a Risk Assessment.² Results of the risk assessment are used to determine the direction in which a case will proceed.

Bennington County's policy directs law enforcement to cite all 16 and 17 year olds into adult court.

At the time of the interview, the Lamoille County State's Attorney was finalizing a protocol that will direct law enforcement to cite all 16 year olds into juvenile court for non-listed crimes (as defined in 13 V.S.A. §5301(7)), with the exception of motor vehicle and fish and game offenses. Officers will also give the juvenile a Notice to Report for a YASI™ risk assessment, the results of which will be considered in deciding what outcome the State's Attorney will seek.

Less than half of the offices were described as having a common practice, informal policy, or "default position" regarding jurisdiction decisions for 16 and 17 year old youth. These were divided between a general preference for juvenile court and a general preference for adult court.

Roughly half of the offices reported that they make decisions on a case by case basis.

Among the State's Attorneys that do not follow formal policies or protocols, several factors were frequently cited as influencing their decisions.

- Age of individual (older youth are less likely to go to juvenile court because jurisdiction ends at 18).
- Severity of offense.
- Previous record.
- Outcome of previous encounters with the criminal justice system, including Court Diversion and alternative justice programs.
- Individual's need for mental health or substance abuse treatment or other programming or DCF supports that are available through the juvenile court system, but not the adult criminal court system.
- Public safety concerns.
- Victim impact.

² The risk assessment in most common use in Vermont is The YASI™ (Youth Assessment Screening Instrument). The YASI™ is a research-based tool for assessing needs, risk factors for re-offense, and protective factors (i.e., strengths) in youth.

In the 12 counties that do not use a formal protocol, the ways in which guidance is given to law enforcement about where to cite are varied. State's Attorneys report that they work closely with local law enforcement agencies and that officers have a good sense of the kind of discretion the State's Attorney tends to exercise. Where a general preference for one court or another is understood, and even where a protocol directs citation into a specific court, law enforcement may suggest that a particular case go in the other direction. In some counties, officers call the State's Attorney's office routinely before issuing a citation, and in others they call only when they have questions. A few of the State's Attorneys talked about holding occasional trainings for law enforcement or routine chiefs' meetings at which juvenile matters might be discussed.

According to the State's Attorneys, in most of their offices it is the State's Attorney him or herself who makes the decision about whether to send a case to juvenile or adult court. In some offices, a Deputy with responsibility for juvenile cases makes the decision. Some of the State's Attorneys acknowledged that they rely on the law enforcement officer's judgment and decision to cite to a particular court unless additional information is brought to their attention or circumstances specific to the individual indicate otherwise (e.g., other pending matters for the individual in juvenile or adult court). When asked for a rough estimate of how often they decide to file in a court different than the one in the original citation, most of the State's Attorneys answered "rarely," and a few "sometimes."

Finding 2 State's Attorneys identified advantages and disadvantages to both the juvenile and adult systems.

Discussion

Juvenile system

The State's Attorneys identified two primary benefits of the juvenile court system.

(1) Juvenile proceedings are confidential and no criminal conviction results when a youth is found to have committed an offense. Because the media and members of the public do not have access to the information, there is no public knowledge of the youth's act. Youth are not saddled with the consequences of having a criminal record.

(2) The juvenile system is designed to address underlying problems and behaviors at an early age through the provision of services, supports, treatment, and supervision. These services can be especially important for youth with mental health, drug, and alcohol issues.

The State's Attorneys also identified a number of disadvantages to charging 16 and 17 year old youth in the juvenile court system. Two issues, in particular, create disincentives for State's Attorneys to file in juvenile court.

(1) The juvenile system has a low age ceiling: its jurisdiction ends when an individual turns 18. As a result, probation ends at 18, no matter where the individual may be in the process, as does the provision of services. State's Attorneys reported that there is inadequate time for some 16 and 17 year old youth to complete meaningful rehabilitation, treatment, and restitution. They cited this time constraint as a major drawback to charging older youth as juveniles. In addition, the juvenile court process was characterized by some as lengthy (e.g., requiring multiple appearances, an assessment and report by the Department for Children and Families (DCF), etc.), which eats up some of the available time before a juvenile "ages out" of the system. The problem of aging out of the juvenile system creates a significant disincentive to charge older youth as juveniles, particularly those who have already turned 17.

(2) Although it is easy to transfer a case from adult court to juvenile court after charges have been filed, State's Attorneys reported that it is difficult to transfer a case in the other direction. This constitutes a significant deterrent to charging 16 and 17 year old youth in juvenile court, particularly for cases about which the appropriate choice of jurisdiction may be unclear. It would increase the comfort level of many of the State's Attorneys to know there is an easy option to transfer a case to adult court in the event that assigning a case to juvenile court proves to have been a mistake.

Some of the State's Attorneys commented that another disadvantage to the juvenile system is the perception among some youth that post-adjudication supervision for juveniles lacks the substance or "teeth" of adult supervision. In their experience, savvy youth learn quickly that there are few consequences to violations of probation and do not take the process seriously as a result.

Some identified concern for public safety as a reason not to charge certain types of cases in the juvenile system. There is no mechanism for a speedy hearing in juvenile court unless the youth is in custody. Additionally, there is no mechanism to establish conditions of release prior to the preliminary hearing; for youth who are not held in custody, the preliminary hearing may not take place for weeks or even months after the offense. If a State's Attorney identifies a threat of harm to the community or risk of flight in a case where a youth has been cited and released, there is no mechanism for imposing immediate sanctions to ensure public safety.

In the experience of at least one State's Attorney, the juvenile process is less efficient than that of adult court in several ways: (1) In adult court, it is possible to resolve a case at the arraignment. There is no parallel process at the preliminary hearing in juvenile court. (2) There is no option in juvenile court to plea by waiver (i.e., make a guilty plea by completing a waiver form). (3) There are times when a prosecutor in juvenile court does not see a need for probation and considers a full disposition hearing unnecessary. Although disposition hearings are sometimes waived in such cases, the statute is unclear on whether hearings can be waived. These were characterized as systemic disincentives to proceed in juvenile court.

Finally, two State's Attorneys noted problems with having cases heard in a timely fashion because juvenile court is held on a limited number of days each month in their

counties. This limited access to "judge time" is of particular concern for serious cases and, as noted above, where there is a potential threat to public safety.

Adult system

Expedience was identified as one advantage to charging 16 and 17 year olds in adult court. In the experience of some of the State's Attorneys, it is possible to achieve a fairly prompt resolution for minor offenses in adult court, while the juvenile court process is likely to require more time. Additionally, a referral to Court Diversion can be made after an individual has been charged in either juvenile or adult court; in the view of some State's Attorneys, it makes sense to charge the youth in adult court, where the process is likely to move more quickly.

According to some State's Attorneys, youth charged in the adult system are aware that violations of probation have significant consequences, and they feel that an appearance before a judge in adult court can drive home the seriousness of the situation to the young person.

Some of the State's Attorneys talked about the opportunity to employ creative solutions in the adult system to achieve desired outcomes for 16 and 17 year old youth. One strategy is the use of deferred sentencing, which offers the opportunity to have the record expunged upon successful completion of probation. Another is the Youthful Offender option, which is discussed in Finding 3, below. These were characterized as processes that hold young people accountable but allow them the time to be successful and do not burden them with criminal records.

Two primary disadvantages to charging 16 and 17 year olds in adult court were identified.

(1) A conviction results in a criminal record, which comes at a critical time in a young person's life. This can have both immediate and long-term consequences, including an adverse impact on employment, military service, funding for higher education, and housing. Although there are procedures for requesting that records be sealed after successful completion of probation, this process is not automatic.

(2) The adult system does not offer the programming and in-depth supervision that are offered in the juvenile system.

One of the State's Attorneys raised a concern that is not addressed by Vermont's laws regarding sealing and expungement of records: the creation of a "permanent Internet record." 16 and 17 year olds who are charged as adults lose the confidentiality protections of the juvenile system. The names of 16 or 17 year olds who are cited into adult court go into the police blotter. The media has access to information about the case, and that information may find its way onto the Internet. Even if the record is later expunged or sealed, there is no mechanism to remove past media coverage from the Internet.

Finding 3 Opinions about Youthful Offender Status vary widely among the State's Attorneys, from strongly positive to strongly negative.

Discussion

Vermont's Youthful Offender Statute³ (formerly known as blended sentencing) allows a youth to be charged in adult court and then have the case transferred to juvenile court for disposition. Supervision of Youthful Offenders in the juvenile system may continue to age 22, during which time they will have access to all DCF services and supports. Upon successful completion of disposition, the case is dismissed in juvenile court and expunged in adult court. One State's Attorney described Youthful Offender Status as "a bridge between the two systems"

It might be said that familiarity with the Youthful Offender option breeds regard. Among those who use it frequently and like it, it was described as a "great tool" and a way to have access to DCF services, get jurisdiction past the age of 18, protect the young person's record, and still have the ability to "get them back" into the adult system if necessary.

The Youthful Offender option also has detractors among the State's Attorneys, who describe it as very cumbersome and do not use it as a result.

In the middle are State's Attorneys who noted that they use it rarely or occasionally and, as a result, are not very familiar with it. Even among the State's Attorneys who are fans of Youthful Offender, it was noted that it can be cumbersome until one becomes familiar with it through use.

Finding 4 For the most part, State's Attorneys are motivated by the dual goals of achieving the best long term outcome for the young person and ensuring public safety. Their approaches to achieving those goals are strategic and varied.

Discussion

As one of the State's Attorneys put it, "The primary question is whether it is reasonable to expect the juvenile court and supervision to accomplish something to protect the community and help the youth, including keeping the record confidential." Many, if not all, of the State's Attorneys believe that an automatic presumption of juvenile court will not be the best way to achieve the desired outcome *in every case*. Often the decision about whether to charge as a juvenile or adult is only the first step in a nuanced strategy.

³ 33 V.S.A. §§ 5204, 5104(b), 5285

As previously discussed, the decisions are influenced both by a variety of factors specific to the case and by systemic factors. The following are examples from the interviews that illustrate the varied strategies used by different State's Attorneys to achieve the desired outcomes.

If a State's Attorney has determined that a youth charged with a minor offense will be referred to Court Diversion, he or she might charge the youth in adult court because, based on his or her experience, the case will likely get through adult court more quickly than through juvenile court.

If it is believed that a youth charged with a more serious offense can benefit from the programming or treatment provided by the juvenile system, the decision might go in the direction of the juvenile court.

If there is some question about whether the juvenile system will work for a particular 16 or 17 year old, the youth may be charged in adult court because of the difficulty of getting the case transferred to adult court at a later time.

If the State's Attorney perceives that an older youth will age out of the juvenile system before he or she can complete meaningful probation, that case may well end up in the adult system.

If there is a public safety concern for which there is no immediate protection in juvenile court, the case may be filed in adult court.

A State's Attorney may charge an individual in adult court and then use deferred sentencing to avoid the creation of a permanent criminal record.

To get around the low age ceiling in the juvenile system, a State's Attorney may charge the youth in adult court and then use the Youthful Offender option to take advantage of the services and supports offered by the juvenile system beyond the individual's 18th birthday.

As these examples demonstrate, it would be unwise to put too much emphasis on the jurisdiction decision alone without also looking at the reasoning behind the decision as well as the strategy that will follow the assignment to one court or the other.

IV. FINDINGS: REFERRALS TO COURT DIVERSION

Finding: **The State's Attorneys value Court Diversion as a mechanism for diverting 16 and 17 year old youth from the court process. Once a youth has been found to meet the county-specific eligibility criteria, State's Attorneys make referral decisions on a case by case basis.**

Discussion

In each of the counties, the State's Attorney and local Court Diversion program have agreed upon eligibility criteria for referrals to Court Diversion. The same eligibility criteria are used for 16 and 17 year old youth as for adults. In most counties, 16 and 17 year old youth are considered eligible for Court Diversion in spite of previous participation in Court Diversion, and in some counties even when the youth has previously been adjudicated in adult or juvenile court.

Once a youth has been found eligible for Court Diversion, a referral to the program is made at the discretion of the State's Attorney. As reported by the State's Attorneys, they make referral decisions on a case by case basis. Some noted that over time they have developed a general sense of what makes for an appropriate referral. Many State's Attorneys stated that Court Diversion is their preferred option for 16 and 17 year old youth, and several noted that their offices routinely refer most or all 16 and 17 year old youth charged with first time misdemeanors to Court Diversion.

State's Attorneys weigh a variety of factors in making the decision about whether an individual is appropriate for referral to Court Diversion. Several factors were frequently cited.

- **Severity of the offense.**
Serious offenses such as crimes of violence, sex offenses, and domestic assaults are not generally referred to Court Diversion. Some State's Attorneys may refer felonies of a non-violent nature. First offenses for retail theft, minor property offenses, and possession of small amounts of marijuana are typical of the level of offense that is routinely referred to Court Diversion.
- **Prior history.**
State's Attorneys noted that they consider a youth's history with Court Diversion, pre-charge alternatives, and juvenile or adult court proceedings, as well as the outcomes of those experiences. Some said that they would be more likely to make a second referral to Court Diversion if the youth had a successful outcome for the first referral. State's Attorneys are generally less inclined to refer a 16 or 17 year old who has had multiple encounters with the criminal justice system.
- **The youth's need for supervision, supports, or programming.**
State's Attorneys are less likely to refer a youth who is need of longer term supervision or intensive treatment for mental health, substance abuse, or anger issues. These DCF supports are available only in the juvenile court system.
- **Restitution.**
Some of the State's Attorneys identified restitution as a consideration in their decisions. In some instances, they cannot refer a youth who would otherwise be appropriate because the restitution amount is higher than the Court Diversion

program's policy allows. In other instances, the amount of restitution may be more than a youth could be expected to pay in within a reasonable amount of time.

- The likelihood that Court Diversion will result in a meaningful resolution and the youth's willingness to accept responsibility.
- The YASI™ risk assessment tool is used in some counties.

Only one State's Attorney identified a significant obstacle to making referrals for 16 and 17 year olds: the lack of a mechanism in Court Diversion for court-ordered victim protection, such as conditions of release or protective order.

In general, the State's Attorneys described their local Court Diversion Programs as working very well. One noted that, ideally, there would be an option to make a Court Diversion referral without first having to charge the individual.

In some counties, community-based pre-charge programs are also used to divert 16 and 17 year olds from the court system.

V. FINDINGS: OPINIONS REGARDING POLICY CHANGES

Finding 1: There is strong resistance among State's Attorneys to the possibility of a statutory requirement to charge 16 and 17 year olds in juvenile court.

Discussion

There was a resounding lack of support for a legislative mandate to charge all 16 and 17 year olds in juvenile court, even with exceptions for certain types of offenses. Even among State's Attorneys who advocate for increased filing in juvenile court, there is a desire to retain prosecutorial discretion.

Finding 2: There is more openness among a number of the State's Attorneys to making juvenile jurisdiction policy changes in their counties once obstacles have been addressed.

Discussion

Some of the State's Attorneys expressed the view that it would be desirable to have more consistency in policy across the state, but acknowledged that this would be difficult to achieve in light of the very different character, demographics, and resources of the counties, as well as the different experiences of the prosecutors and varied levels of experience among prosecutors in dealing with cases involving juveniles.

Some of the State's Attorneys indicated that they might consider creating policies or protocols within their counties if the major systemic problems are addressed. Others noted that negative experiences with protocols and inflexible policies in the past would likely keep them from implementing protocols and formal policies in their counties. Still others indicated a strong preference for continuing to make decisions on a case by case basis.

Several of the State's Attorneys are considering implementing policies that would incorporate the YASI™ assessment into each juvenile citation. They noted that they would be more comfortable sending cases to juvenile court based on the use of a research-based screening tool. They were careful to point out that the screening tool would be used to inform decisions, not to determine them.

Finding 3 The State's Attorneys proposed a variety of fixes for existing problems with the juvenile court system.

Discussion

One of the State's Attorneys expressed the view that the best way to reduce recidivism and protect public safety is to place 16 and 17 year olds in the juvenile system, where they will be supervised by DCF. While many of the State's Attorneys may agree with this in principle, they will be reluctant to do so as a matter of policy until two major deterrents have been removed: the 18 year old jurisdictional limit in juvenile court and the difficulty of transferring cases from juvenile to adult court.

There was general consensus that the age of juvenile jurisdiction needs to be increased to at least 19. One State's Attorney noted that it makes sense to extend the age beyond 19 based on the science of adolescent brain development. Another suggested that individuals should be able to access services beyond 18 without being in custody. Another suggestion was to create a procedure that would automatically keep individuals on DCF probation until age 21 or 22, with a provision for earlier dismissal if things went very well.

It was suggested that the transition from juvenile to adult court should be handled in the same way that adult cases are transferred to juvenile court: "If everyone agrees, everyone signs off, and it's done."

A third area that would need to be addressed is the removal of other systemic disincentives to charging 16 and 17 year olds in juvenile court so that cases can get through the court as efficiently as they do in adult court. These include: (1) clarifying in statute that disposition hearings can be waived; (2) adopting processes currently used in adult court for plea by waiver and resolution at the preliminary hearing; and (3) creating an expedited process that would allow for speedy hearings where there is threat of harm or risk of flight. One State's Attorney suggested the creation of a process for hearing a case within 24 hours where public safety is a concern, even if it is not a normal juvenile

court day, to allow for a prompt response and the immediate imposition of conditions of release.

Finally, some of the State's Attorneys noted that policies that would shift cases from the adult to the juvenile system may require a concomitant shift of resources from one system to the other to support increased demands on DCF and the local defense bar. As the juvenile court docket grows, additional resources may be needed in order to ensure timely access to juvenile court, especially in locales where the limited juvenile court calendar already results in delays.

VI. CONCLUSIONS

The information gained from the interviews with Vermont's State's Attorneys shows that their perspectives and practices vary widely. Two findings, in particular, have important implications for policy regarding juvenile jurisdiction in Vermont. (1) State's Attorneys perceive there to be a number of disincentives for charging 16 and 17 year old youth in juvenile court, and two are especially significant: the end of juvenile jurisdiction at age 18 and the difficulty of transferring cases from juvenile to adult court. (2) There is strong resistance among the State's Attorneys to a legislated mandate to charge 16 and 17 year olds in juvenile court. Removal of the obstacles that currently exist in the juvenile court process is likely to result in an increase in the number of cases that are filed in juvenile court.